

PETITION FOR ZONING VARIANCE 84-168-A  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11.02.01, C.1 to allow 15' side setback instead of the required 25' and a front yard setback of 28' in lieu of the required average of 30'.

Owner wishes to keep dwelling as it was built

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Address  
City and State  
Attorney's Telephone No.:  
3221 Mt. Zion Rd.  
Upperco, Maryland 21155  
Phone No. 321-3855

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of November, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of January, 1984, at 10:00 o'clock.

(over)

Ms. Joanne Hogg  
Midland Farms, Inc.  
3221 Mt. Zion Road  
Upperco, Maryland 21155

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Your petition has been received and accepted for filing this 30th day of November, 1983.

ARNOLD JABLON  
Zoning Commissioner  
Received by: Nicholas B. Commodari  
Chairman, Zoning Plans Advisory Committee  
Petitioner's Attorney: Joanne Hogg

RE: PETITION FOR VARIANCES  
610 Milford Mill Rd.,  
3rd District  
MIDLAND FARMS, INC.,  
Petitioner  
Case No. 84-168-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:  
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Deputy People's Counsel  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 16th day of December, 1983, a copy of the foregoing Order was mailed to Joanne Hogg, Midland Farms, Inc., 3221 Mt. Zion Road, Upperco, MD 21155, Petitioner.

John W. Hession, III  
People's Counsel for Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE  
December 30, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Ms. Joanne Hogg  
Midland Farms, Inc.  
3221 Mt. Zion Road  
Upperco, Maryland 21155

RE: Item No. 91 - Case No. 84-168-A  
Petitioner - Midland Farms, Inc.  
Variance Petition

Dear Ms. Hogg:  
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.  
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc  
Enclosures  
cc: Hudkins Associates, Inc.  
200 East Joppa Road  
Room 101, Shell Building  
Towson, Md. 21204

BALTIMORE COUNTY  
ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: December 28, 1983  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Midland Farms, Inc.  
84-168-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:cav

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

November 10, 1983

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #91 (1983-1984)  
Property Owner: Midland Farms, Inc.  
N/W corner Milford Mill Rd. and Cliveden Rd.  
Acres: 95/68.60 X 150/153.1  
District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Milford Mill and Cliveden Roads, existing public roads, are proposed to be further improved in the future, the former on a 60-foot right-of-way, with fillet areas for sight distance at the Cliveden Road intersection, and Cliveden Road as a 30-foot closed section roadway on the 50-foot right-of-way.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 91 (1983-1984).

Very truly yours,  
Robert A. Morton, P.E., Chief  
Bureau of Public Services

RM:EMM:PMR:ss

cc: John Trenner - Attn: J. Klass

P-SE Key Sheet  
24 NW 22 Pos. Sheet  
NW & P Topo  
78 Tax Map

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

November 14, 1983

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 85,86,87,91  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

ZAC- Meeting of October 11, 1983.

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 85,86,87, and 91.

Michael S. Flanigan  
Traffic Engineering Assoc. II

MSF:ccm



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit \_\_\_\_\_

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
TO: Office of Planning and Zoning  
FROM: Ian J. Forrest  
SUBJECT: Zoning Variance Items  
Meeting - October 11, 1983  
Date: October 26, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #85 - James A. & Mary J. Gaffney
- Item #86 - Jerry & V.L. Babicka
- Item #87 - Twenty-First Century Properties
- Item #91 - Midland Farms, Inc.

*[Signature]*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJE/fth

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204 2566  
494 4500

November 29, 1983

PAUL H. REPKKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Midland Farms, Inc.

Location: NW/Cor. Milford Mill Road and Cliveden Road

Item No.: 91 Zoning Agenda: Meeting of October 11, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]* *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494 3010

TED JAKOWSKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 91 Zoning Advisory Committee Meeting are as follows:

Property Owner: Midland Farms, Inc.  
Location: NW/Cor. Milford Mill Road and Cliveden Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a front setback of 16' in lieu of the required 25'.

Acres: 95/68.60 x 150/153.1  
District: 3rd.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 *[Signature]* and other applicable Codes.
- X B. A building/other miscellaneous *[Signature]* shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, Line 2, Section 1107 and Table 1102, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- X I. Comments- If this is a single family dwelling the plot plan shall not continue to show a property line thru the dwelling.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*[Signature]*  
Charles E. Burnham, Chief  
Plans Review

CED:ee

# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent Towson, Maryland - 21204

Date: October 12, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: October 11, 1983

RE: Item No: 85, 86, 87, 88, 89, 90 and 91  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

The above mentioned item numbers have no adverse effect on student population.

Very truly yours,

*[Signature]*  
Mr. Nick Petrovich, Assistant  
Department of Planning

NWP/bp

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204	
CLIVEDEN AND MILFORD MILL ROADS	
HARVEY BERNSTEIN ET AL	
4915 OLD COURT ROAD, RANDALLSTOWN, MD. 21133	
OWNER	
N/S MILFORD MILL ROAD AND CLIVEDEN ROS.	
TYPE: THIS BUILDING CANNOT BE OCCUPIED UNTIL PUBLIC WATER AND/OR SEWERS ARE AVAILABLE AND CONNECTED THERETO	
N/S MILFORD MILL ROAD AND CLIVEDEN ROS.	
A. TYPE OF IMPROVEMENT 1. NEW BUILDING CONSTRUCTION 2. ADDITION 3. ALTERATION 4. REMODEL 5. REPAIR 6. RECONSTRUCTION 7. OTHER	
B. OWNERSHIP 1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. OTHER	
C. TYPE OF USE 1. RESIDENTIAL 2. COMMERCIAL 3. INDUSTRIAL 4. OTHER	
D. TYPE OF CONSTRUCTION 1. FRAME 2. CONCRETE 3. STEEL 4. OTHER	
E. RESIDENTIAL ONLY 1. SINGLE FAMILY UNITS 2. MULTI-FAMILY UNITS 3. OTHER	
F. DIMENSIONS 1. LOT AREA 2. LOT WIDTH 3. LOT DEPTH 4. LOT COVERAGE 5. LOT SETBACK 6. LOT FRONTAGE 7. LOT DEPTH 8. LOT COVERAGE 9. LOT SETBACK 10. LOT FRONTAGE	
G. HARVEY BERNSTEIN 4915 OLD COURT RD., RANDALLSTOWN, MD. 21133 HARVEY BERNSTEIN 521-3855	
H. SUDBROOK PARK	

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204	
CLIVEDEN AND MILFORD MILL ROADS	
HARVEY BERNSTEIN ET AL	
4915 OLD COURT ROAD, RANDALLSTOWN, MD. 21133	
OWNER	
N/S MILFORD MILL ROAD AND CLIVEDEN ROS.	
TYPE: THIS BUILDING CANNOT BE OCCUPIED UNTIL PUBLIC WATER AND/OR SEWERS ARE AVAILABLE AND CONNECTED THERETO	
N/S MILFORD MILL ROAD AND CLIVEDEN ROS.	
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D. TYPE OF CONSTRUCTION 1. FRAME 2. CONCRETE 3. STEEL 4. OTHER	
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G. HARVEY BERNSTEIN 4915 OLD COURT RD., RANDALLSTOWN, MD. 21133 HARVEY BERNSTEIN 521-3855	
H. SUDBROOK PARK	

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494 3010

TED JAKOWSKI, JR.  
DIRECTOR

January 23, 1984

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 91 Zoning Advisory Committee Meeting are as follows:

Property Owner: Midland Farms, Inc.  
Location: NW/Cor. Milford Mill Road and Cliveden Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a front setback of 16' in lieu of the required 25'.

Acres: 95/68.60 x 150/153.1  
District: 3rd.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 *[Signature]* and other applicable Codes.
- X B. A building/other miscellaneous *[Signature]* shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, Line 2, Section 1107 and Table 1102, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*[Signature]*  
Charles E. Burnham, Chief  
Plans Review

CED:ee



IN RE: PETITION ZONING VARIANCES  
610 Milford Mill Road - 3rd  
Election District  
Midland Farms, Inc.  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-168-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a side yard setback of 16 feet instead of the required 25 feet and a front yard setback of 28 feet instead of the required 30 feet. The purpose of these requests is to allow the Petitioner to legalize existing setbacks to the home now on the site, as is more fully described on Petitioner's Exhibit 1.

The Petitioner, by Joanne Hogg, President of Edward Byron Investment, Inc., the successor in interest to the Petitioner, appeared and testified. Three Protestants appeared and testified.

Testimony indicated that the house was moved to the instant property sometime around June, 1981. At that time, a building permit was issued to the Petitioner or agent. The application for permit (Protestants' Exhibit 1) indicates that the setbacks for the house would be 36 feet to the side street and 25 feet to the front property line. In fact, the house was situated only 16 feet from the side street and 28 feet to the front property line. Subsequently, Edward Byron Investment, Inc. purchased the assets and liabilities of the Petitioner, who owns the subject property. At the time of purchase, it was the intent of the new owners to sell. However, sometime later, it was discovered that the setbacks did not meet the requirements of the Baltimore County Zoning Regulations (BCZR). As a result, this Petition was filed to clarify the existing situation and clear the title.

Milford Mill Road, to the front of the house, is to be widened. The property consists of 2 lots, lots 17 and 18, both undersized as defined by the zoning

regulations. The house was placed on the property straddling the common boundary line. The Petitioner argues that the house cannot now be moved without heavy cost, estimated to be \$12,000 to \$15,000 due to grading and the existing basement. The Petitioner states that it will not build any building on the property but only wants to clear up the problem in order to be able to sell. The Petitioner did not take part in or was aware of the placement of the house as it now exists.

The Protestants want insurances that the property will not be further developed to the detriment of the neighborhood. They argue that the house was placed illegally and that the then owner knew that to be the case. They also feel that the house does not afford a presentable front to the benefit of the neighborhood. They argue that no building permit should be issued; but inasmuch as none is requested by the Petitioner, the argument is moot. See Protestants' Exhibit 4.

The Petitioner seeks relief from Section 1802.3.C.1. (303.1), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not to be granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of January, 1984, that the Petition for Variances to permit a side yard setback of 16 feet instead of the required 25 feet and a front yard setback of 28 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

1. No building permit shall be granted to the Petitioner for this property during the Petitioner's ownership, i.e., no improvements or accessory uses may be built while the Petitioner owns said property except for improvements within the house or cosmetically done to the immediate exterior of said house. This is specifically limited to the ownership of the property by the Petitioner.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

MAX H. LEVENSON  
ATTORNEY AT LAW  
600 CLAVEN ROAD  
BALTIMORE 8, MARYLAND  
HUNTER 8-7735

PROTESTANT'S  
EXHIBIT 4  
January 6, 1984

Mr. Arnold Jablon  
Zoning Commissioner of Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Commissioner Jablon:

In Re: Petition for Variances, Case 84168A  
610 Milford Mill Road

In the matter of Petition for Variances by Midland Farms, Inc. on property known as 610 Milford Mill Road located in the Third Election District of Baltimore County, the undersigned submits the following information:

1. That the property and improvements identified as 610 Milford Mill Road is part of Lots 17 and 18, Block N of Sudbrook Park, located at the intersection with the 600 block of Cliveden Road, Sudbrook Park.
2. That the aforesaid Petitioner, in the summer of 1981 and without a Building Permit of record, erected a five-room, single-family dwelling situated partially on both Lots 17 and 18 acquired from Ada Eckhardt.
3. That the dwelling was erected with visual awareness by one of the principals that the front line of said structure extended substantially beyond the line of dwellings erected on Milford Mill Road over the past thirty-five years.
4. That because of the proximity of said structure to Milford Mill Road, a thoroughfare which is now under consideration for widening, the property owners were unsuccessful in efforts to sell the property for about one year. Since then the premises has been occupied by tenants from time to time and is now leased as a half way house.
5. That any violations of the Baltimore County Code and related Ordinances pertaining to construction or zoning requirements were not accidental or inadvertent on the part of Petitioner.

Case 84168 A

-2-

January 6, 1984

It is respectfully submitted that the requested variances affect both Lots 17 and 18, Block N, of the Sudbrook Park Subdivision of which these properties are a part, and would provide a detrimental exception to the well-established plan of this community.

It is also submitted that if any variance is granted as the result of this hearing or subsequent hearings, it should be specifically limited to this structure and not be applicable in any other respect to the above-mentioned parcels of land conveyed to Midland Farms, Inc. or their predecessor in title, by Ada Eckhardt.

Furthermore, it is requested that a stay be granted in the issuance of any building permit, other than to validate the existing five-room, single-family dwelling, inasmuch as Petitioner has expressed to third parties a desire to erect another structure on these lots, which additional structure or structures would be to the detriment of adjacent and neighboring property owners, including the undersigned, unless in full compliance with the established Baltimore County permit and zoning requirements.

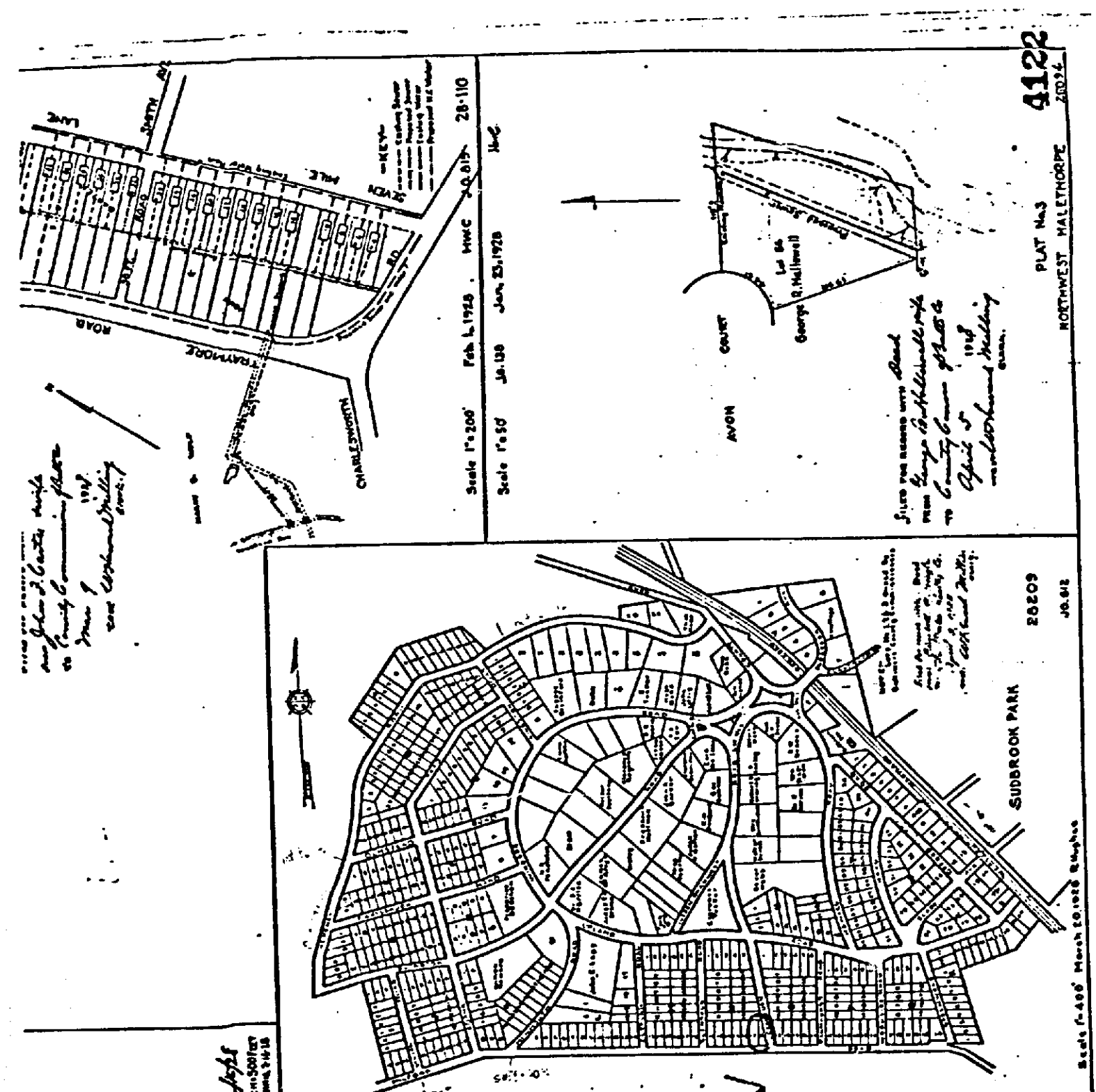
Respectfully submitted

*[Signature]*  
Max H. Levenson

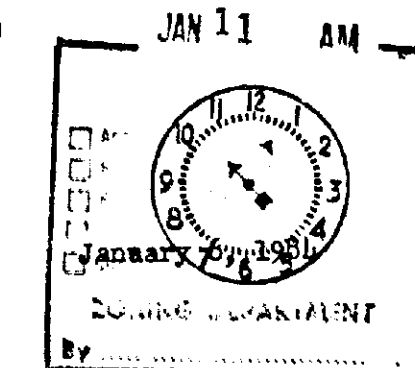
ML:sh

Enc.

cc: County Councilman Garry Huddles  
Mr. Yale Friedlander, Milford Mill Road Residents



MAX H. LEVENSON  
ATTORNEY AT LAW  
600 CLAVEN ROAD  
BALTIMORE 8, MARYLAND  
HUNTER 8-7735



Mr. Arnold Jablon  
Zoning Commissioner of Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Commissioner Jablon:

In Re: Petition for Variances, Case 84168A  
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1. That the property and improvements identified as 610 Milford Mill Road is part of Lots 17 and 18, Block N of Sudbrook Park, located at the intersection with the 600 block of Cliveden Road, Sudbrook Park.
2. That the aforesaid Petitioner, in the summer of 1981 and without a Building Permit of record, erected a five-room, single-family dwelling situated partially on both Lots 17 and 18 acquired from Ada Eckhardt.
3. That the dwelling was erected with visual awareness by one of the principals that the front line of said structure extended substantially beyond the line of dwellings erected on Milford Mill Road over the past thirty-five years.
4. That because of the proximity of said structure to Milford Mill Road, a thoroughfare which is now under consideration for widening, the property owners were unsuccessful in efforts to sell the property for about one year. Since then the premises has been occupied by tenants from time to time and is now leased as a half way house.
5. That any violations of the Baltimore County Code and related Ordinances pertaining to construction or zoning requirements were not accidental or inadvertent on the part of Petitioner.

Case 84168 A

-2-

January 6, 1984

It is respectfully submitted that the requested variances affect both Lots 17 and 18, Block N, of the Sudbrook Park Subdivision of which these properties are a part, and would provide a detrimental exception to the well-established plan of this community.

It is also submitted that if any variance is granted as the result of this hearing or subsequent hearings, it should be specifically limited to this structure and not be applicable in any other respect to the above-mentioned parcels of land conveyed to Midland Farms, Inc. or their predecessor in title, by Ada Eckhardt.

Furthermore, it is requested that a stay be granted in the issuance of any building permit, other than to validate the existing five-room, single-family dwelling, inasmuch as Petitioner has expressed to third parties a desire to erect another structure on these lots, which additional structure or structures would be to the detriment of adjacent and neighboring property owners, including the undersigned, unless in full compliance with the established Baltimore County permit and zoning requirements.

Respectfully submitted

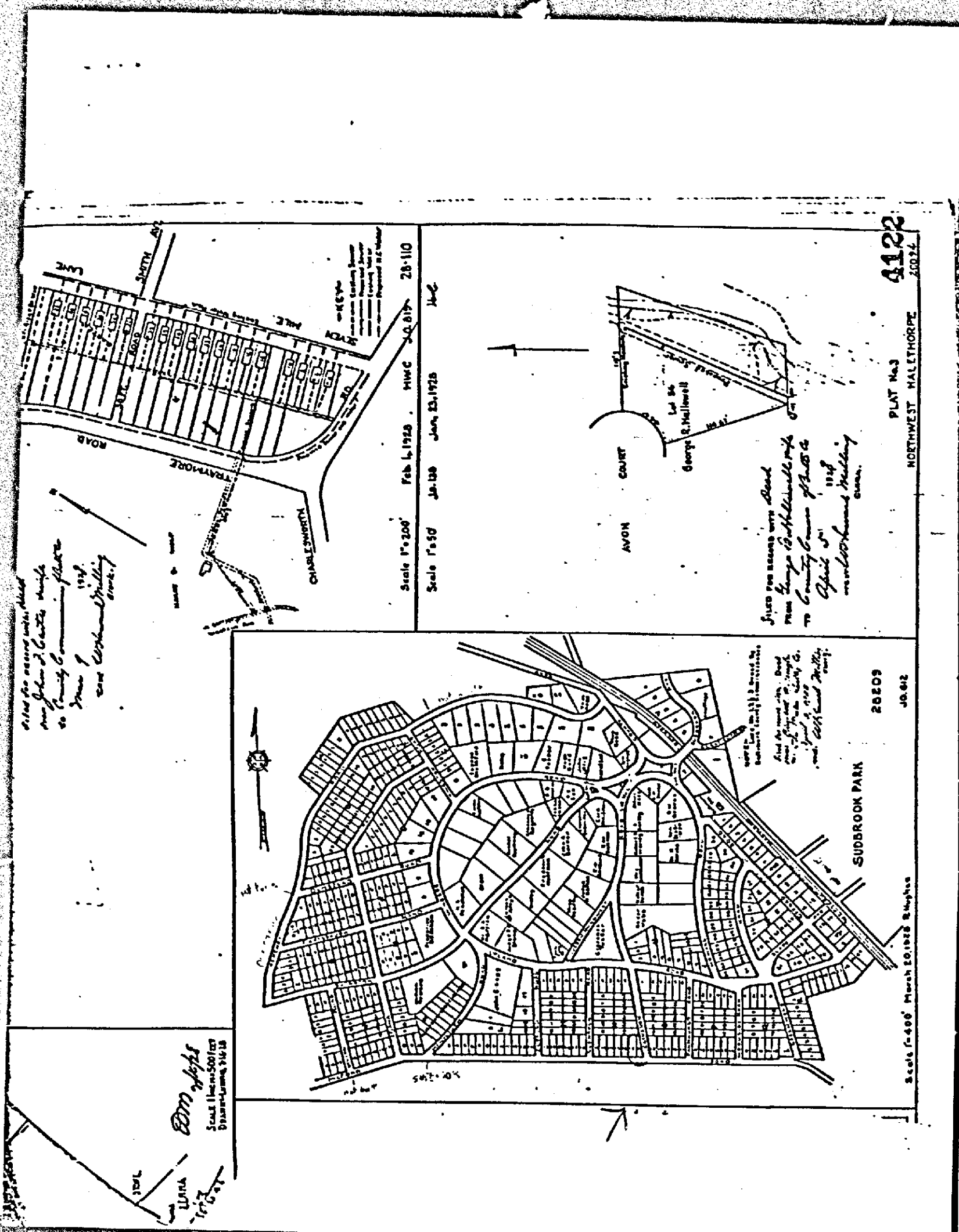
*[Signature]*  
Max H. Levenson

ML:sh

Enc.

cc: County Councilman Garry Huddles  
Mr. Yale Friedlander, Milford Mill Road Residents





PETITION FOR VARIANCES  
3rd Election District

ZONING: Petition for Variances  
LOCATION: 610 Milford Mill Road  
DATE & TIME: Tuesday, January 10, 1984 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to allow 16 ft. side yard setback instead of the required 25 ft. and a front yard setback of 28 ft. in lieu of the required average of 30 ft.

Being the property of Midland Farms, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

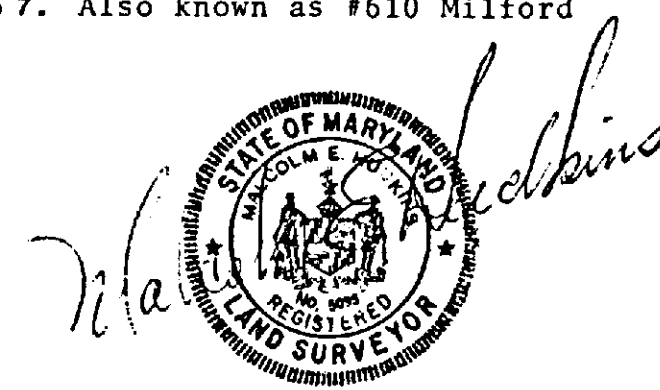
COLUMBIA OFFICE  
WALTER PARK  
Registered Surveyor  
PHONE 730-9680

TOWSON OFFICE  
HUDKINS ASSOCIATES, INC.  
Engineers, Surveyors and  
Landscape Architects  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204  
PHONE: 825-9060

BEL AIR OFFICE  
L. GERALD WOLFF  
Landscape Architect  
PHONE 838-0888

August 29, 1983

Beginning for the same at the intersection formed by the North side of Milford Mill Road (50 feet wide) with the West side of Cliveden Road (50 feet wide) thence being all of lots 17 and 18, Block N, as shown on a plat of Sudbrook Park recorded among the plat records of Baltimore County in Liber 9 folio 7. Also known as #610 Milford Mill Road.



Malcolm E. Hudkins  
Registered Surveyor #5095

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

January 12, 1984

Ms. Joanne Hogg  
Edward Byron Investment, Inc.  
3221 Mt. Zion Road  
Upperco, Maryland 21155

RE: Petition for Variances  
610 Milford Mill Rd. - 3rd Election  
District  
Midland Farms, Inc. - Petitioner  
No. 84-168-A (Item No. 91)

Dear Ms. Hogg:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

ARNOLD JABLON  
Zoning Commissioner

AJ/mc

Attachments

cc: Ms. Marcella Heaton  
608 Milford Mill Road  
Baltimore, Maryland 21208

Ms. Anne-Marie Marvel  
613 Milford Mill Road  
Baltimore, Maryland 21208

Ms. Ann Irwin  
615 Milford Mill Road  
Baltimore, Maryland 21208

People's Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 10th day of January, 1984, the first publication appearing on the 22nd day of December, 1983.

THE JEFFERSONIAN,

Manager

Cost of Advertisement, \$14.00

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 3rd  
Posted for: Variances  
Petitioner: Midland Farms, Inc.  
Location of property: 610 Milford Mill Road  
Location of Signs: On front of 610 Milford Mill Road  
Remarks:  
Posted by: A. J. Jablon  
Number of Signs: 1  
Date of Posting: 12-23-83  
Date of return: 12-30-83

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353  
ARNOLD JABLON  
ZONING COMMISSIONER

December 27, 1983

Midland Farms, Inc.  
c/o Joanne Hogg  
3221 Mt. Zion Road  
Upperco, Maryland 21155

Re: Petition for Variances  
610 Milford Mill Road  
Midland Farms, Inc. - Petitioner  
Case No. 84-168-A

Dear Ms. Hogg:

This is to advise you that \$39.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 124065  
DATE: 1/9/84 ACCOUNT: R-01-615-000  
AMOUNT: \$39.00  
RECEIVED FROM: Edward Byron Investments, Inc.  
FOR: Advertising & Posting Case #84-168-A (Midland Farms, Inc.)  
C 065\*\*\*\*\*390010 5104A  
VALIDATION OR SIGNATURE OF CASHIER

Midland Farms, Inc.  
c/o Joanne Hogg  
3221 Mt. Zion Road  
Upperco, Maryland 21155

NOTICE OF HEARING  
Re: Petition for Variance  
610 Milford Mill Road  
Midland Farms, Inc. - Petitioner  
Case No. 84-168-A

TIME: 10:00 A.M.

DATE: Tuesday, January 10, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 121537  
DATE: 9/30/83 ACCOUNT: 01-615-000  
AMOUNT: \$35.00  
RECEIVED FROM: Edward Byron Investments, Inc.  
FOR: Filing for Case #91  
C 038\*\*\*\*\*350010 5036A  
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

51130

Pikesville, Md., Dec. 21, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 10th day of January 1983

the first publication appearing on the 21st day of Dec. 1983  
the second publication appearing on the day of 1983  
the third publication appearing on the day of 1983

THE NORTHWEST STAR

Manager

Cost of Advertisement \$20.00

LEGAL NOTICE

PETITION FOR VARIANCES  
3rd Election District  
ZONING: Petition for Variances  
LOCATION: 610 Milford Mill Road  
DATE & TIME: Tuesday, January 10, 1984 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
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Being the property of Midland Farms, Inc., as shown on plat plan filed with the Zoning Department.  
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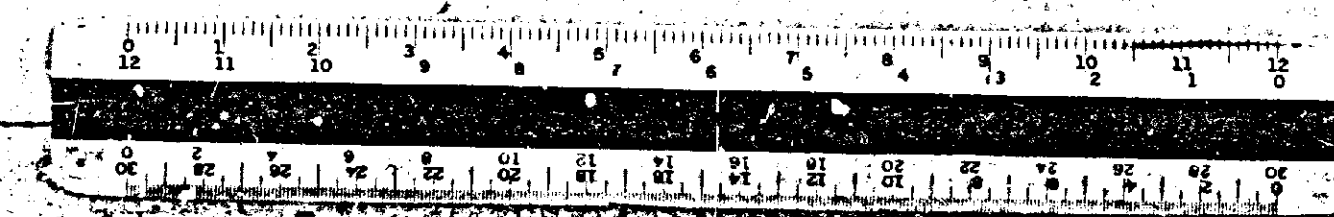
PETITION MAPPING PROGRESS SHEET											
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet		
	date	by	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map											
Petition number added to outline											
Denied											
Granted by ZC, BA, CC, CA											
Reviewed by: <u>UC</u>	Revised Plans:					Change in outline or description <u>Yes</u>					
Previous case: <u>---</u>	Map # <u>23</u>					No					



OWNER:  
MIDLAND FARMS, INC.  
3221 MT. ZION RD.  
UPPERCO MD. 21155



MILFORD MILL ROAD  
(30' R/W)  
CONS. CH 132



PLAT TO ACCOMPANY APPLICATION  
FOR SIDEYARD VARIANCE  
PROPERTY KNOWN AS  
610 MILFORD MILL ROAD  
LOTS 17 & 18 BLOCK 'N' SUDBROOK PARK  
(PB 9 FOLIO 7)  
3RD. ELECT. DIST. BALTO. CO. MARYLAND  
SCALE: 1"=20' Aug. 27, 1983.  
DEED REF. 6322-269  
REV NOV. 23, 1983  
Nov. 30, 1983

HUDKINS ASSOCIATES, INC.  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204

#91  
revised  
plan  
11-30-85

PETITIONER'S  
EXHIBIT

ZONED DR 5.5  
(RESIDENTIAL)

- NOTES:  
1. EXIST. ZONING DR 5.5  
2. PUBLIC WATER & SEWER EXISTING  
3. HOUSE CONSTRUCTED IN VIOLATION.

